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SUBJECT: UPDATE OF WORST FORMS OF CHILD LABOR: CROATIA

REF STATE 184972

¶1. Summary: Croatia has a strong institutional and legal framework for protecting the rights of minors and a good track record of taking action to prevent child labor. Problems are isolated and infrequent. Most reported abuses occur in the entertainment, hospitality, retail, industrial construction and media sectors. The State Inspectorate enforces child labor legislation. End Summary.

Legal and Regulatory Framework

¶2. The Labor Law sets the minimum age for employment at 15 years; children ages 15 to 18 may work only with written permission from a legal guardian. Children under 15 may work or participate in artistic or entertainment functions (such as film productions) with permission from the parent or guardian and the labor inspectorate, provided that the work is not harmful to the child's health, morality, education, or development. The Ministry of Economy, Labor, and Entrepreneurship (MELE) enforces the minimum age of employment. According to stipulations in the Labor Law and the Occupational Safety and Health Act, children under age 18 are prohibited from working overtime, at night, under dangerous labor conditions, or in any other job that might be harmful to a child's health, morality, or development. Minors under age 18 are expressly prohibited from working in bars, nightclubs, and gambling establishments. The Family Law contains provisions for the protection of the rights and welfare of children. The Children's Ombudsman coordinates government efforts to promote and protect the interests of children and is obliged to report any findings of exploitation to the State Attorney's Office. The Constitution prohibits forced or bonded labor, and the Criminal Code bans individuals from forcing children to beg. The minimum age for conscription into the military is 18. Croatia signed and ratified ILO Convention 182.

¶3. The worst forms of child labor may be prosecuted under different statutes in Croatia. The Criminal Code outlaws international prostitution, including solicitation of a minor, and prohibits procurement of minors for sexual purposes. The law also forbids using children for pornography. Article 178 (1) of the Criminal Code indicates that international prostitution pertains to "[w]hoever tempts, recruits or instigates the other person to provide sexual services for profit in a country other than the one of whose residence or citizenship that person is," and Article 178 (2) indicates, "[w]ho compels another person by using physical force, or induces that person using threats, or by deceit to go to a country other than the country of that person's residence or citizenship, to provide sexual services for money..." The Criminal Code includes Trafficking of Persons and Slavery as a separate criminal act with a minimum prison sentence of five years and a maximum sentence of 15 years, when a child or a minor is involved and prescribes for imprisonment of 3 months to 3 years for perpetrators who knowingly use TIP victims.

14. The Labor Inspectorate of Croatia implements and enforces child labor legislation. The office employs 111 labor relations inspectors, who are responsible for enforcing labor laws and regulations and 104 labor safety inspectors. Special attention is paid to the employment of minors. In addition to following up on complaints of possible violations, the Inspectorate also conducts unannounced site inspections. Such inspections have intensified resulting in an increase in the number of issued violations. However, the Inspectorate concluded in their last report to the government (2007) that the courts often do not hand out sentences in accordance with the seriousness of the violation. The Labor Inspectorate has ordered the Ministry of Interior and the Ministry of Health and Social Welfare to search for and process violators more stringently and called for better cooperation between social agencies and police. In a separate decision, the GoC ordered the Labor Inspectorate to increase inspections of establishments that employ minors. (See paragraph 18 for data).

15. Legal remedies available to government agencies for enforcing child labor laws are regulated by the following:

- Labor law;
- Regulation on work for which minors may be employed and types of employment allowed only after confirmation of physical ability (published in National gazette 59/02);
- Law on Work Safety;
- Criminal Law;
- Law on Children's Ombudsmen;
- Law on Legal Defense;
- Law on Elementary Education
- Law on Juvenile Courts;
- National Program for the Protection of the Best Interests of Children 2006-2012;
- National Plan for the Suppression of Trafficking of Children(2005-2007);

16. Fines for violating child labor laws range from 1,000 HRK (\$150) to 100,000 (\$18,000), depending upon the gravity of the violation. According to the Office of the Ombudsman for Children, the regulations are, for the most part, adequate and effective, but work continues on new regulations to increase the effectiveness of protecting children's rights. In 2006, amendments to the Criminal Law included increased minimum fines for violations as well as increased jail sentences for crimes in connection with sexual abuse of minors. The amendments were intended to send a stronger message to the public, particularly since the courts have frequently been lenient towards offenders.

17. Croatia has reached general global standards in regard to addressing and investigating violations. The National Program for the Protection of the Best Interests of Children (2006 -2012) includes proposals for developing legislation that regulates the types of work and employment of children to further protect children from economic exploitation and employment that could be harmful to their development and health.

18. Increasing education and awareness of the problems of child labor and other children's issues is done in accordance with the laws and national plans. In 2006, judges were educated about the changes in the courts' authority in application of the Family Law.

19. The National Plan for Suppressing Trafficking of Children includes a protocol for the exchange of information between authorities in cases of trafficking, publication of a handbook for police officers and social service workers for recognizing threatening situations and for the creation of databases that would include child victims and current court cases. The Children's Council of the State Institute for the Protection of the Family monitors and promotes the application of the Convention on the Rights of the Child.

Social programs and government initiatives

10. The Ministry of Science, Education and Sport offers high schools a choice of 15 prevention programs, one of which covers the

economic exploitation of children. Each school picks the programs that address problems faced by children in their communities. A Ministry of Education official stated that, because exploitation of children for economic purposes is not statistically high in Croatia and is not currently seen as a threat, the topic is covered, but the schools do not usually include the program that covers that issue. According to representatives of UNICEF and Djeca Prva (a coordinating NGO for 30 child related issues NGOs), there are no programs currently offered for preventing the worst forms of child labor outside of the scope of the activities provided for under the National Action Plan for Children and the National Plan of Suppressing Trafficking (See paragraph 14) and existing legislation. Representatives from both organizations said this is not a problem they directly cover, nor is it a prominently reported problem; however, both stated that statistics are lacking.

¶11. Based on the Convention on Children's rights and the Constitution of the Republic of Croatia, every child living in Croatia is guaranteed and obligated to receive education. According to official statistics from the Ministry of Science, Education and Sport, in 2004 enrollment was 96.5 percent. The Ministry's goal is to have 98 percent enrollment by 2010. The Elementary Education Law (1990) requires eight years mandatory education for children, beginning at age six. Children generally complete compulsory education at age 14; however, most Croatian children remain in school until age 18. Enrollment statistics are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available.

¶12. Currently, the education system provides special schooling for children with special needs in order to prepare them for work in the trades sector. The education system also provides vocational education at the high school level for all students interested in learning a trade.

¶13. Some ethnic Roma children face obstacles to continuing their schooling, such as discrimination in schools and lack of family income. The Office for National Minorities has a special program for the inclusion of Roma children in the education system in Croatia. According to the 2003 National Program for Roma, the primary obstacle to primary school is poor Croatian language skills.

In response, the government has committed funding to support additional Croatian language teachers and pre-school instruction for Roma children, as well as a meal program in the schools. Croatia also initiated the program, "Decade of Roma Inclusion 2005-2015," to better document and aid the Roma minority community.

----- Government Initiatives -----

¶14. The Ministry of Family, Veterans' Affairs and Intergenerational Solidarity developed the National Program for the Protection of the Best Interests of Children for 2006-2012, which provides preventive and protective measures for children with regard to all types of sexual abuse, including commercial sexual exploitation. The government is currently preparing an updated National Plan for Suppression of Trafficking in Persons from 2009-2011. The updated National plan is to include all chapters from the previous National Strategy that expired in 2008.

¶15. The trafficking operational plans through 2008 were implemented and implementation reports to the government were approved and accepted. The new National Plan 2009-2011 will further the implementation of goals and objectives as follows: legislative framework, identification of the victims, prosecution and penalization of perpetrators, prevention, education and help and assistance to the victims, inter-ministerial and inter-sectoral cooperation and international cooperation. Police screen all illegal migrants for TIP evidence. Local social welfare centers provide assistance to all minor TIP victims. Croatia has legislation in place that establishes special procedures for cases where victims or perpetrators are minors. A government established shelter for victims of trafficking exists; IOM provides assistance and support to victims. The government also conducted in-service police training on trafficking-recognition, funded a national hotline for victims of trafficking and anti-trafficking awareness

campaigns, and co-sponsored with several NGOs a number of prevention programs on the trafficking of persons.

¶16. The GoC implemented the "National Plan for the Suppression of Trafficking in Children from 2005 - 2007," which also covered areas already mentioned in the GoC National Programs and Operational Plans. The GoC is currently working on updating the plan, taking into consideration special needs of children and principles from the UN Convention on the Rights of Children. In 2006 the GoC organized and funded training in cooperation with local NGOs that targeted social workers in reception centers responsible for assistance and protection of illegal minor migrants. The Child Trafficking Prevention Program is implemented by the Center for Social Policy Initiatives, a national NGO, in partnership with the Ministry of Labor and Social Welfare, the Ministry of the Interior, and IOM. Modules have been developed on child trafficking, child exploitation, sexual exploitation of children, child pornography, and the worst forms of child labor. Teachers have been trained to use the program, and a pilot project is underway in five elementary schools in Zagreb. The government also works with international organizations to assist trafficking victims and cooperates with other governments in the region. According to the Ministry of Justice, through 2007 Croatia will be participating in a regional program implemented by ILO-IPEC on combating child labor in the Stability Pact Countries, with a special focus on the worst forms of child labor.

Recent Data

¶17. Statistics on the number of working children under age 15 in Croatia are unavailable. Children are employed in the hospitality, retail, industrial, construction, and media (film and reality television) sectors. Roma children reportedly are being forced to beg and are also vulnerable in the agricultural sector. Reports indicate that Croatia is primarily a transit country and, to a limited extent, is also a source and destination country for trafficking of children for commercial sexual exploitation.

¶18. The most recent data available for the worst forms of child labor are for 2005 and include seven persons reported for exploiting children for pornography, seven persons charged and 16 sentenced (this includes cases from previous years) of which five were sentenced to jail and 11 received a suspended sentence (New data will be available February 1, 2009). In 2007 the State Labor Inspectorate recorded 163 violations of labor-related laws involving 89 children under the age of 17. Of these violations, one involved a child under the age of 15. Violations occurred mainly in the hospitality, tourism, retail, food, industrial, services and construction sectors (New data will be available March 2009). The violations include the employers withholding work contracts, not being in possession of individual permission for employing minors, not granting proper break times (daily and weekly), endangering the health of a minor, employing a minor under the age of 15, keeping minors over-time, scheduling minors to work during night hours and not properly registering minors for health and pension benefits.

¶19. According to analysis of violations during this and previous years, the Labor Inspectorate has determined that violation of children's rights in employment is not a common occurrence. Embassy Zagreb's conversations with government officials and NGOs support the conclusion that the worst forms of child labor are infrequent in Croatia and that the state mechanisms to address them are effective.

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